

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

No. 2:12-cv-01282-JLR

**DECLARATION OF CHRISTINA FOGG IN
SUPPORT OF THE UNITED STATES'
RESPONSE TO THE MAY 21, 2019 ORDER**

I, Christina Fogg, declare as follows:

1. I am an Assistant U.S. Attorney for the Western District of Washington and I am counsel of record for the Plaintiff United States of America in the above-captioned matter. I am over the age of 18 and am competent to testify in court about the matters stated herein.

2. On March 21, 2019, I attended SPD's Defensive Tactics training course, along with representatives from the Monitoring Team. The training course involved hands-on instruction to SPD officers on appropriate uses of force and tactics for facilitating such encounters as arrests of resistant subjects. The training also included instruction regarding placement of a handcuffed subject into a patrol car. At no point during the training did any

1 instructor state or in any way suggest that counter-assaultive measures are always necessary
2 when addressing an assaultive subject.

3 3. In follow up to the Defensive Tactics training, DOJ requested and received the
4 written materials that are used in the classroom portion of this training. Attached as **Exhibit A** is
5 a true and correct copy of the relevant portions of SPD's 2019 Operational Update provided to
6 the U.S. Attorney's Office by the City of Seattle Attorney's Office. The statements contained in
7 the Operational Update concerning Defensive Tactics are consistent with the current, Court-
8 approved use of force policy found at Policy 8.200 #6, which became effective on January 19,
9 2019.
10

11
12 4. Based on my personal observations of SPD's Defensive Tactics training course
13 and a review of the relevant training materials from the 2019 Operational Update, I can state that
14 all instruction provided during this training was consistent with SPD's Court-approved use of
15 force policies.
16

17 I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true
18 and correct to the best of my knowledge.

19 Executed this 15th day of August, 2019.
20

21 Respectfully submitted,

22 BRIAN T. MORAN
23 United States Attorney

24 *s/ Christina Fogg*

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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2019, I have electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorneys of record:

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DATED this 15th day of August, 2019.

s/ Brittany Cirineo
Brittany Cirineo, Legal Assistant (Contractor)